

**REMARKS**

Claims 1-10 are pending in the present application. Claims 1-10 are rejected. Claims 3, 5, 7, 8 and 10 are herein canceled. Claims 1 and 6 are herein amended. No new matter is believed to have been entered through the various claim amendments. Further, upon belief, it is respectfully submitted that this paper is fully responsive to the outstanding Office Action.

**Claim Rejections - 35 U.S.C. §103**

**Claims 1, 2, 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sadahiro et al. (US 6,467,337 B2) and further in view of Katayama (US 4,696,277) and Reimer (US 6,484,088).**

The rejection is respectfully traversed.

Claim 1 is herein amended to recite, “A fuel management system for a working machine (1), comprising: a working machine (1); a server (10); and a user terminal (20), wherein: said working machine comprises: tank contents amount measurement means (11B) which measures a volume contained in a fuel tank (81) of said working machine (1); operational value measurement means (11A) which measures a predetermined operational value related to fuel consumption operation of said working machine (1); and a communication controller (13) which transmits, to said server, machine information including a volume value of said contents measured by said tank contents amount measurement means (11B) and a measurement value measured by said operational value measurement means (11A); said server comprises: a communication control unit (41) which receives said machine information from said working

machine; remaining fuel volume calculation means (54) which calculates operating hours of said working machine based on the measurement value measured by said operational value measurement means (11A) included in said machine information, obtains a volume value of fuel which ought to have been consumed by said working machine (1) with reference to a fuel consumption table (92) based on said operating hours, subtracts said volume value of fuel which ought to have been consumed by said working machine (1) from a volume value stored in a previous time volume storage section (43), and calculates an expected remaining fuel volume value, which is an amount of remaining fuel which ought to be present within said fuel tank (81); volume comparison means (55) which compares said volume value of contents which has been measured by the tank contents amount measurement means (11B) included in said machine information, with said expected remaining fuel volume value which has been calculated by said remaining fuel amount calculation means (54); and alarm issue means (58) which issues an alarm in response to said volume comparison means (55) when said communication control unit (41) transmits said alarm to said user terminal (20), said user terminal (20) displays contents of said alarm on a display screen.” It is respectfully submitted that the cited art fails to describe or teach at least the aforementioned recitations of claim 1 of the present application.

The “communication controller” of the working machine in claim 1 is not described in any of the cited references. Therefore, it is not obvious that the communication controller transmits, to the server, the volume value of the contents measured by said tank contents amount measurement means and the measurement value measured by said operational value measurement means. Because the communication controller transmits the both values to the

server, the server is able to compare the volume value of contents with the expected remaining fuel volume value which has been calculated from the measurement value measured by said operational value measurement means.

The specific process defined by the “remaining fuel volume calculation means” of the server in claim 1 is not described in any of the cited references. That is, the remaining fuel volume calculation means obtains a volume value of fuel which ought to have been consumed by said working machine with reference to a fuel consumption table. No references describe this process.

No references describe that the issued alarm is transmitted to the use terminal, not the working machine. It is difficult for one of ordinary skill in the art to combine this transmitting of the issued alarm to the user terminal, to the fuel management system. Because, it is not common to comprise the use terminal in the fuel management system for a working machine.

Further, claims 2 and 9 are patentable for at least the reason of their dependency from independent claim 1, and claim 10 is herein cancelled. Separate and individual consideration of the dependent claims is respectfully requested.

In view of the foregoing, it is respectfully submitted that the rejection is overcome.

**Claims 6-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sadahiro et al. (US 6,467,337 B2) and Katayama (US 4,696,277) as applied to claim 1 above, and further in view of Tatsuya (JP Publ. 2004-254173).**

The rejection is respectfully traversed.

The alarm issue means in claim 6 is not described in any of the cited references. The feature of the alarm issue means in claim 6 is this: “when at least any one of the volume measurement value and the weight measurement value does not agree with the expected value obtained by the calculation, whereby a user can detect that foreign matter has been mixed in said fuel tank (81)”. This feature is uniquely challenging for one of ordinary skill in the art because the user can detect that foreign matter has been mixed in said fuel tank.

Further, as claims 6-8 depend either directly or indirectly from independent claim 1, the comments presented above are applicable where also where appropriate.

In view of the foregoing, it is respectfully submitted that the rejection is overcome.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

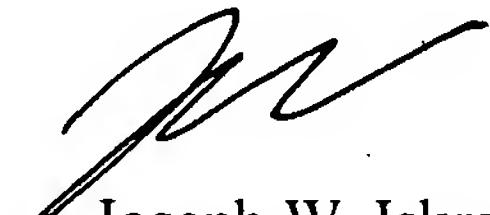
Application No.: 10/577,719  
Art Unit: 3747

Amendment under 37 C.F.R. §1.116  
Attorney Docket No.: 062438

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



Joseph W. Iskra  
Attorney for Applicants  
Registration No. 57,485  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111

TEB/JWI/jac